

### REMARKS

Claims 1-7, 14-18, and 34-37 are pending in the application and are at issue.

Claims 1-7, 14-18, and 34-37 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The examiner contends that the terms "poly-(ethylene glycol 30)" and "polyoxyethylene 15" are indefinite and are tradenames. Applicants traverse this rejection.

This amendment is submitted in accordance with 37 C.F.R. §1.116(a) and §1.116(b) in order to present the rejected claims in a better form for allowance or appeal. The amendment is necessary to eliminate a rejection under 35 U.S.C. §112, second paragraph. This amendment was not presented earlier because it was believed, and is still believed, that the response on May 26, 2006 fully addressed and overcame all rejections. This amendment should be entered because it places the application in a better form for allowance or appeal, and the amendment does not require further searching or present any new issues.

As previously stated, the terms recited in claim 1 are not tradenames, but are the *chemical* names of the two claimed copolymers, the identity of which is readily understood by persons skilled in the art. Apparently, the examiner objects to the nomenclature in the claims because the previously-claimed nomenclature does not correspond exactly to the nomenclature provided in literature directed to the claimed copolymers.

Accordingly, applicants have amended claim 1 to recite the previously-claimed copolymers using nomenclature provided in literature for those copolymers. This amendment inserts no new matter. At page 19, line 27 through page 20, line 1, and page 24, lines 3-7, the specification provides a *chemical* name for ARLACEL® P-135. The examiner objects to this nomenclature. Therefore, applicants have amended claim 1 to recite the nomenclature provided for ARLACEL® P-135 in trade literature and product literature. Trade literature was provided to the examiner in the response of May 26, 2006, i.e., Exhibit B, page 1244. Claim 1 now recites this nomenclature for ARLACEL® P-135 recited in the claims and disclosed in the specification.

Applicants also have amended claim 1 to correct the nomenclature for the claimed copolymer available from Alzo International, Sayreville, NJ (see specification, page 15, lines 509 and page 34, lines 14-18). Applicants also provide Exhibit D, which provides the chemical name for the disclosed and claimed copolymer available from Alzo International Inc. No new matter is added by this amendment. The examiner is directed to page 15, lines 5-9 of the specification, which recites the INCI name (*not* a tradename) for this copolymer and which was *originally* recited in the claims. The INCI name for this copolymer has now been replaced with the *chemical* name for this copolymer. See Exhibit D.

The examiner continues to argue that "polyoxyethylene" is not equivalent to "polyethylene glycol" citing Exhibit B, page 338. Applicants respectfully

draw the examiner's attention to *previously-filed* Exhibit C, page 936, wherein *synonyms* for polyethylene glycol are named, i.e., PEG, polyoxyethylene, polyglycol, and polyether glycol.

As further explained previously, the term "polyoxyethylene 15" is fully understood by persons skilled in the art to mean a polyethylene glycol containing an average of 15 moles of ethylene glycol. See previously-filed Exhibit A, which shows that a standard nomenclature for polyethylene glycol is PEG or polyethylene glycol followed by a number indicating the average number of moles of ethylene glycol present in the molecule.

In summary, it is submitted that the metes and bounds of the copolymers recited in the claims are readily discernable to persons skilled in the art. The nomenclature used in claim 1 is not a tradename, brand name, or trivial name, but the actual chemical name of the claimed copolymers.

Therefore, it is submitted that the present claims fully comply with U.S.C. §112, second paragraph, and that the rejection should be withdrawn.

It is further submitted that all claims are in a form and scope for allowance. Applicants respectfully request entry of this amendment in order to appeal a decision to maintain the rejection under 35 U.S.C. §112, second paragraph. An early and favorable action on the merits is respectfully requested.

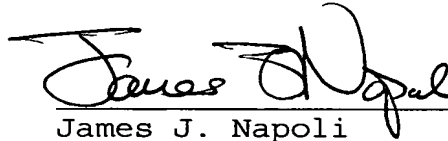
Should the examiner wish to discuss the foregoing, or any matter of form in an effort to advance this application toward allowance, the examiner is

urged to telephone the undersigned at the indicated number.

Respectfully submitted,

**MARSHALL, GERSTEIN & BORUN LLP**

By

A handwritten signature in black ink, appearing to read "James J. Napoli", is written over a horizontal line.

James J. Napoli  
(Registration No. 32,361)  
Attorneys for Applicants  
6300 Sears Tower  
233 South Wacker Drive  
Chicago, Illinois 60606  
(312) 474-6300

Chicago, Illinois  
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# ALZO International Inc.

650 JERNEE MILL ROAD • SAYREVILLE, NEW JERSEY 08872 • Phone: (732) 254-1901 • Fax: (732) 254-4423

## PRODUCT INFORMATION: NOMENCLATURE

### PRODUCT: POLYDERM PPI-SI-WS

**CHEMICAL NAME:** Polydimethylsiloxane-Polyoxycethylene (15) Polymer with 3-Isocyanatomethyl-3,5,5-Trimethylcyclohexyl Isocyanate

**INCI NAME:** BIS-PEG-15 Dimethicone/IPDI Copolymer

**CA INDEX NAME:** Siloxane and Silicones, di-Me, Hydroxy-Terminated, Ethoxylated, Polymers with 5-Isocyanato-1-(1-Isocyanatomethyl)-1,3,3-Trimethylcyclohexane'

**CAS NUMBER:** 190793-18-1

**EINECS NUMBER:** Polymer exempt

Jan, 2005